Calendar No. 938

82D CONGRESS, 1st Session | SENATE | REPORT No. 1017

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UNAUTHORIZED ACCEPTANCE OR WEARING OF FOREIGN DECORATIONS

OCTOBER 16 (legislative day, OCTOBER 1), 1951.—Ordered to be printed

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2165]

The Committee on the Judiciary, to which was referred the bill (S. 2165) to prevent unauthorized acceptance or wearing of foreign decorations by officers of the United States, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of the proposed legislation is to implement and enforce the provisions in article I, section 9, paragraph 8, of the United States Constitution, which prohibits any person holding an office of profit or trust under the United States from accepting any present, emolument, office, or title, of any kind whatever, from any foreign country, without the consent of Congress.

AMENDMENT

On page two, line 8, strike out the period.

The purpose of the amendment is to correct a typographical error.

STATEMENT

In a previous Congress this committee recommended favorably to the Senate a bill similar in intent, but it died on the Senate calendar.

At the time that bill was under consideration the Department of the Army submitted an adverse report on the bill in which it was stated that:

> The provisions of the Constitution and existing statutes, implemented by pertinent regulations, establish a workable and orderly procedure for the acceptance and wearing of decorations awarded by foreign governments personnel of the armed services. Under the military justice system of the National Military Establishment, individuals under its jurisdiction who violate the provisions of law with respect to acceptance of foreign decorations may be tried and, upon conviction, are subjected to appropriate penalties * * *. It is believed that present laws and regulations are sufficient and adequate to control the acceptance of wearing of foreign awards.

Since that time, to wit, on July 19, 1951, the Department of the Army has changed its regulations in an evident effort to circumvent the provisions of the Constitution and the applicable statutes by creating a false distinction between receipt of a foreign award and acceptance of such an award. The pertinent regulation is as follows:

> *34.1 (Added) Participation in ceremonies.*—In the event an individual is advised that a friendly foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the award, notwithstanding the absence of the consent of the Congress to accept it. The receipt of a foreign award at such ceremony will not constitute an acceptance of the award by the recipient. Immediately following the ceremony, the individual to whom the award has been presented will advise the Adjutant General by letter setting forth all circumstances pertinent to the award and ceremony and will inclose the award and all allied documents for action as indicated in paragraph 34. In any case in which the individual is not specifically advised that an actual presentation of the foreign award is to be made, the appropriate representative of the foreign nation concerned will be advised of the provisions of the Constitution as indicated in paragraph 33.

The committee is of the opinion that the original purpose of the constitutional provision was to prevent the possible influencing, through flattery or praise, or the promise, prospect, or award of favors, of an officer of the United States by a foreign government or potentate. Yet the Army has seen fit to provide that an individual under its jurisdiction may participate in a formal presentation ceremony of a foreign decoration or other award "notwithstanding the absence of the consent of the Congress to accept." The committee believes that this is just double-talk and wishes to impress upon the Department of the Army the conception that the provisions of the Constitution are not to be circumvented by administrative regulation. Enactment of this bill will implement the constitutional provision and render ineffectual the attempted circumvention thereof.

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